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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,457	02/21/2007	Maurice Granger	1759.233	9245
23405 7590 03/15/2010 HESLIN ROTHENBERG FARLEY & MESTI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203				
EXAMINER RIVERA, WILLIAM ARAUZ				
ART UNIT 3654		PAPER NUMBER		
MAIL DATE 03/15/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,457

Applicant(s)

GRANGER ET AL.

Examiner

William A. Rivera

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 20-24 is/are allowed.
- 6) ☒ Claim(s) 12-19 and 25-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-13, 16-19, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen (WO 96/23719).

With respect to Claims 12-13, 16-19, and 25-27, Rasmussen, Figure 3, teaches an end plug 18 for a roll of material comprising a receiving portion 34 with dimensions to fit into a hollow core of the roll of the material; an abutment flange 36 for abutment against the hollow core of the roll of material; and a bearing portion including a bearing pin with a first end adjacent the abutment flange, and a second end remote from the abutment flange; wherein the bearing pin has a first diameter portion closer to the second end of the bearing pin, a second diameter portion 20 further remote from the second end, and a third diameter portion 26 between the abutment flange and the second diameter portion, the second diameter portion having a smaller diameter than the first diameter portion and the third diameter portion; the first and second diameter portions are contiguous with each other; the abutment flange 36 comprises a flange-shaped stop member around the receiving portion to limit depth of insertion of the receiving portion into the hollow core of the roll of material; the end plug is integrally extruded from plastic material; use of the end plug is for fitting into the hollow core 16 of a roll of material 12; roll of material provided, at least at one longitudinal end of the roll, with an end plug; the roll comprises tissue

paper roll; the roll of material comprises a paper towel roll wound around the hollow core; the plastics material comprises polypropylene or polyethylene.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen as applied to claims 12-13, 16-19, and 25-27 above.

With respect to Claim 14, Rasmussen is advanced above. Rasmussen teaches all the elements of the end plug except for the dimensions of the diameter portions of the bearing pin. However, it would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to dimension the bearing pin of Rasmussen as specified in Claim 14, line 3 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen as applied to claims 12-13, 16-19, and 25-27 above, and further in view of Robert et al (U.S. Patent No. 5,322,234).

With respect to Claim 15, Rasmussen is advanced above. Rasmussen teaches all the elements of the end plug except for ribs. Robert et al, Figures 2-3, teach the use of ribs 21. It would have been obvious to one of ordinary skill in the art to provide Rasmussen with ribs, as

taught by Robert et al, for the purpose of increasing the engagement between end plug and the core of the roll.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

The new grounds of rejection were necessitated by applicant's amendment. Specifically, the end plug, as set forth in Claim 12, is no longer needed to be used in combination with the lock mechanism, i.e., it is its own independent invention.

Allowable Subject Matter

Claims 1-11 and 20-24 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 1-11 and 20-24 are allowed over the prior art of record because the prior art of record does not teach or suggest the entire combination of elements set forth including a lock housing with a guide slot for insertion of the bearing pin, the guide slot having a first section with a first width and a second section with a second width which is smaller than the first width, the first section and second section sections being arranged in a direction perpendicular to a longitudinal extension of the guide slot and in a longitudinal direction of the bearing pin to be received; a sliding element mounted to the lock housing and movable between a first position closing or narrowing the guide slot and a second position opening the guide slot; a lock element mounted to the sliding element and rotationally movable around an axis of rotation between a locked position and an unlocked position; the lock element being provided with an engagement portion which, in the locked position, is engaged with a locking geometry of the lock housing.

None of the references of the prior art teach or suggest the lock mechanism as advanced above and such do not provide the necessary motivation, absent applicant's specification, for modifying the lock mechanism in the manner required by the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Friday - 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William A Rivera/
Primary Examiner, Art Unit 3654

March 12, 2010